

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 17454 of 2005

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Date: 17.08.2005

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Between:

Karnati Madhusudhana Rao, S/o. late Narayana

R/o. Penagadapa (v), Kothagudem Mandal,

Khammam District.

PETITIONER

Vs.

1. The Special Deputy Collector (Tribal Welfare),

Bhadrachalam, Khammam District and others.

RESPONDENTS

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THE HON'BLE SRI JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 17454 of 2005

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ORDER:

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This writ petition is filed by the petitioner aggrieved by the inaction of the second respondent in passing any orders of stay, pending disposal of the appeal filed by him.

2. It is stated that the petitioner is the owner and possessor of an extent of Ac.5.00 of land in Survey No.366/37 situated at Penagadapa Village, Kothagudem Mandal, Khammam District, having purchased the same from one Sri Md.Hussain. It is also stated that the first respondent initiated proceedings against him under the A.P. Scheduled Areas Land Transfer Regulation 1/1959 in L.T.R.No.61/2005/KGM *suo motu* on the ground that the petitioner, being a non-tribal, is in possession of the land in scheduled area. The first respondent, after conducting necessary enquiry and after considering the material on record, passed an order of eviction of the petitioner from the land in question. Aggrieved by the said order, the petitioner filed an appeal before the second respondent on 05.07.2005 and also sought for stay of eviction pending disposal of the appeal. But, however, the second respondent did not pass

any orders. Hence, the petitioner has come up with the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

4. In view of the pendency of the appeal before the second respondent, the writ petition is disposed of directing the second respondent to dispose of the appeal expeditiously, preferably within a period of three months from the date of receipt of a copy of this order. Pending disposal of the appeal, the third respondent is directed not to evict the petitioner from the land in question.

5. The writ petition is accordingly disposed of. No costs.

S. Ananda Reddy, J

Date: 17.08.2005

Note: Furnish CC in 3 days

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